

COMPLAINT FORM

Complaint against Broadcasting and Telecommunications Licensees on Suspected Contravention of the Fair Trading Sections of the Trade Descriptions Ordinance (Cap. 362) (“TDO”)

PART A – Personal Particulars

*1. Contact details (note 1):

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|------------------------|------------|--|-------------|--|
| Title : Mr / Ms^ | Last Name: | | First Name: | |
| Contact Telephone No.: | | | Fax No.: | |
| Email Address: | | | | |
| Postal Address: | | | | |

PART B – Details of the Complaint

*2. Name of the broadcasting / telecommunications licensee that you would like to complain on suspected contravention of the fair trading sections of the TDO (notes 2 and 3):

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3. If you lodge the complaint on behalf of another person, please provide the information:

a. Name of that person

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b. Is that person aware that the complaint has been made?

Yes

No

*4. Please set out the details of your complaint (note 4):

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5. Please provide copies of supporting documents, e.g. contracts, advertisements, correspondence, identification documents of salespersons involved etc. relevant to the subject complaint (note 5).
6. Please supply any other information which you think may be useful for our processing of your complaint:

PART C – Declaration

*7. I agree that the Communications Authority (“CA”), and the Office of the Communications Authority (“OFCA”) as the executive arm of the CA, may identify me as the complainant (note 6):

Yes No

8. I acknowledge that the details of the complaint and copies of supporting documents I have given (including any personal data) may be provided to the licensee being complained of (note 7).

9. I agree that the CA may collect any documents or information (including any personal data) from the licensee being complained of or other relevant third parties involved in the case. The documents or information may include, but are not limited to, copy of the relevant service contracts / agreements and telephone conversation recordings.

10. I acknowledge that the details of the complaint and supporting documents (including any personal data) as referred to in paragraphs 8 and 9 above may be referred to other government departments, statutory bodies or other relevant third parties (such as the broadcasting and telecommunications licensees) for follow-up as part of the process of considering whether there may be a contravention of the fair trading sections of the TDO by the licensee against which you are complaining.

*11. I agree, where necessary, to attend interviews with and provide statement(s) to OFCA or other enforcement agency and to act as prosecution witness in court proceedings:

Yes No

Signed:

Date:

(Name of the Complainant: _____)

* Information must be provided

^Please delete as appropriate

Notes:

1. Please provide your contact information to enable us to approach you for necessary details relevant to the subject complaint.
2. The fair trading sections prohibit false trade descriptions in relation to goods and services, misleading omissions, aggressive commercial practices, bait advertising, bait-and-switch and wrongly accepting payment. Sections 4, 5, 7, 7A, 13E, 13F, 13G, 13H and 13I of the TDO specify the relevant offences. Generally speaking, contractual disputes and customer service issues are outside the scope of the TDO and you may lodge a complaint with the licensee regarding such matters. Please visit our website at http://www.coms-auth.hk/en/policies_regulations/unfair_trade_practices/index.html for more details in relation to enforcement against such unfair trade practices in the broadcasting and telecommunications sectors.
3. Please provide details of the licensee against which you are complaining. If you know of any individuals involved in the case that might be of assistance, please supply details of their names and contact information.
4. Please explain the facts in relation to your complaint in as much detail as possible, including, where applicable, the date, time, place (such as the location of the retail shop), person(s) involved (such as the name of the salesperson), and a chronological description of the conduct of the broadcasting / telecommunications licensee or their staff which you consider is in contravention of the fair trading sections of the TDO. Please use separate sheet if there is not enough space.
5. Please keep the originals of the supporting documents (e.g. contracts, bills, prepaid card packages, advertisements, correspondence, information of salespersons involved, etc. relevant to the subject complaint) in your possession in proper conditions. You will be requested to provide us the originals as and when necessary.
6. Please tell us if there are any reasons why you should not be identified as the complainant to the subject of your complaint. If there are valid reasons that you should not be identified or your identity should not be disclosed, we will consider whether it is possible to process the complaint under such circumstances. Where this is not possible, we will let you know and we will discuss with you the implications of your request.
7. All personal data and documents supplied by you will only be used for taking follow-up action (including any enforcement or prosecution action) in relation to the complaint that you have filed with the CA.

How to submit the completed complaint form?

Please send the completed complaint form by one of the following means-

by post to: Market and Competition Branch
 The Office of the Communications Authority
 29/F, Wu Chung House, 213 Queen's Road East
 Wan Chai, Hong Kong

by fax to : 2123 2187

by email to : utp@ofca.gov.hk

Disclaimer

The description of the fair trading sections of the TDO in this complaint form is for general reference only. You should refer to the relevant provisions of the TDO for a complete and definitive statement of the law.